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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALI SABZ, individually,

Plaintiff,

vs.

GHULAM RASUL NAJAFI, individually;
PENSKE TRUCK LEASING CORPORATION,
a foreign corporation; CRESTA, INC., a foreign
corporation; DOE INDIVIDUALS 1-20, inclusive;
and ROE CORPORATIONS 1-20, inclusive,

Defendants.

CASE NO.: 2:23-cv-01255-RFB-NJK

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER PURSUANT TO
FRCP P 26(F) AND LOCAL RULE 26-1(B)**

**[SPECIAL SCHEDULING
REVIEW REQUESTED]**

Plaintiff, ALI SABZ, and Defendants, GHULAM RASUL NAJAFI (hereinafter "Najafi"), PENSKE TRUCK LEASING CORPORATION (hereinafter "Penske"), and CRESTA, INC. (hereinafter "Cresta"), by and through their respective counsel of record, hereby submit the following Joint Discovery Plan and Scheduling Order pursuant to the requirements of FRCP 26, FRCP 16(b) and LR 26-1, as follows:

1. Prior Procedural History:

1. This matter involves a motor vehicle collision that occurred on October 9, 2022. On May 21, 2023, Plaintiff filed his Complaint in the District Court. Defendant Penske was served on June 2, 2023. Defendant Cresta was served on June 6, 2023. Defendant Najafi was served on July 14, 2023. Defendant Cresta filed its Answer on July 24, 2023. Defendant Penske filed its Answer on August 9, 2023. Defendant Najafi filed his Answer on August 11, 2023.



1 **2. FRCP 26(f) Conference:**

2 Pursuant to FRCP 26(f) and LR 26-1(d), a telephonic conference was held on August 24, 2023
3 between Plaintiff's counsel, Paul Shpirt, Esq., Counsel for Defendants Cresta and Najafi, Alan
4 W. Westbrook, Esq., and Counsel for Defendant Penske, Bryan J. Ure, Esq. to formulate this
5 scheduling order.

6 **3. Party Discovery Disclosures:**

- 7 a. Defendant Penske submitted his disclosures on August 24, 2023.
8 b. Plaintiff submitted his disclosures on August 30, 2023.
9 c. Defendants Cresta and Najafi will submit their disclosures by September 7, 2023.

10 **4. Subjects of Discovery:** The parties agree that the areas of discovery should include, but not
11 be limited to, all claims and defenses allowed pursuant to the FRCP and applicable law.

12 **5. Statement Concerning Special Scheduling Review:** Based on the complex nature of the
13 Plaintiff's injuries, liability disputes, and anticipated experts and depositions, the parties have
14 agreed to propose an extended schedule and propose the following discovery plan:

- 15 a. **Discovery Cut-Off [LR 26-1(b)(1)]:** the parties propose that discovery end **Friday,**
16 **February 23, 2024**, which is the first weekday 180 days from the FRCP 26(f)
17 conference.
18 b. **Amending the Pleading or Adding Parties:** the deadline to amend pleadings or add
19 parties shall be no later than **Friday, November 24, 2023**, which is 90 days before the
20 close of discovery.
21 c. **FRCP 26(a)(2) Expert Disclosures:**
22 i. Expert disclosures shall be made no later than **Friday, December 22, 2023**,
23 which is the first weekday 60 days prior to the discovery cutoff date;
24 ii. Rebuttal Expert disclosures shall be made no later than **Monday, January 22,**
25 **2024**, which is 30 days after expert disclosures;
26 d. **Dispositive Motions:** Any dispositive motions shall be filed by **Friday, March 25,**
27 **2024**, which is 30 days after the close of discovery.

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- 1 **6. Pre-Trial Order:** A joint pre-trial order shall be filed by **Wednesday, April 24, 2024**, which
2 is the first weekday 30 days after the dispositive motion deadline. In the event dispositive
3 motions are filed, this deadline shall be suspended until thirty days after decision of the
4 dispositive motions or further order of the court.
- 5 **7. Alternative Dispute Resolution:** The parties are not requesting a settlement conference at
6 this time.
- 7 **8. Alternative Forms of Case Disposition:** The parties hereby certify that they considered
8 consent to trial by a magistrate judge under 28 U.S.C. 636(c) and FRP 73 and the use of the
9 Short Trial Program (General Order 2013-01) but chose not to pursue either option.
- 10 **9. Electronic Evidence.** The parties hereby certify that they discussed the use of electronic
11 evidence during trial.
- 12 **10. Later Appearing Parties:** A copy of this discovery plan and scheduling order shall be served
13 on any person served after it is entered or, if additional defendants should appear, within five
14 days of their first appearance. The discovery plan and scheduling order shall apply to such
15 late appearing parties unless the Court, on motion and for good cause shown order otherwise.
- 16 **11. Discovery Phases:** The parties do not believe it is necessary to conduct discovery in phases.
- 17 **12. Document Production:** All documents produced in this action will be delivered as either
18 hard copy documents or Tagged Image File Format (“TIFF”), Portable Document Format
19 (“PDF”), and compressed digital files (JPEG) images unless the requesting party specifically
20 requests that any responsive electronic documents be produce in native format. If a requesting
21 party seeks metadata regarding an electronically stored document, that party shall specify the
22 request for metadata in the request or by separate request for production.
- 23 **13. Protective Orders for Confidential Documents and/or Information:** The parties discussed
24 confidential information and the process for addressing inadvertent disclosure of privileged
25 information. They have agreed to separately prepare a stipulated protective order for the
26 Court’s consideration should such need arise.
- 27 **14. Extensions or Modifications of the Discovery Plan and Scheduling Order:** LR 26-3
28 governs modifications or extensions of this discovery plan and scheduling order. Any

stipulation or motion must be made not later than 21 days before the subject deadline and fully comply with LR 26-3.

15. Electronic Service of Discovery: Plaintiff hereby agrees to electronic service of all documents at the following email addresses: ps@stevedimopoulos.com and rq@stevedimopoulos.com. Defendants hereby agree to electronic service of all documents to the following email addresses: awestbrook@perrywestbrook.com, jmosley@perrywestbrook.com, vgonzalez@perrywestbrook.com, bure@murchisonlaw.com, and khaman@murchisonlaw.com.

16. Other Orders: At this time, there are no other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

DATED this 6th day of September 2023.
DIMOPOULOS INJURY LAW



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Attorney for Plaintiff

DATED this 6th day of September 2023.
MURCHISON & CUMMING, LLP

/s/ Bryan J. Ure

BRYAN J. URE, ESQ.
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*Attorney for Defendant,
Penske Truck Leasing Corporation*

DATED this 6th day of September 2023.
PERRY & WESTBROOK

/s/ Alan W. Westbrook

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*Attorney for Defendants,
Cresta, Inc. and Ghulam Rasul Najafi*

IT IS SO ORDERED.


NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

DATED: September 7, 2023

